

AIR WAR COLLEGE

AIR UNIVERSITY

**PAST INFORMING PRESENT:  
PARALLELS BETWEEN RACIAL INTEGRATION IN THE  
ARMED FORCES AND REPEAL OF DON'T ASK, DON'T TELL**

by

Scott A. Arcuri, Lieutenant Colonel, USAF

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## Contents

DISCLAIMER .....	ii
Contents .....	iii
BIOGRAPHY .....	iv
Introduction.....	1
Similarities Between Racial Integration in the Military and Repeal of DADT .....	2
The Nature of the Discrimination.....	2
Pressure from Civil Rights Groups .....	3
Electoral Politics .....	4
Personal Experience of Working with Offended Party .....	5
Public Opinion.....	6
Studies and Surveys .....	7
Differences between Racial Integration and DADT Repeal .....	9
Implementation of the New Policies .....	9
Are Race and Sexual Orientation Similar? .....	10
Recommended Policy Considerations and Tracking/Monitoring Progress .....	11
Conclusion .....	16
Appendix.....	19
Bibliography .....	20
End Notes.....	23

## **BIOGRAPHY**

Lieutenant Colonel Scott A. Arcuri entered the active duty Air Force in 1990 after graduating from the U.S. Air Force Academy. As a career personnel officer, he has held positions at squadron, wing, field operating agency, and Air Staff levels. His initial personnel background came from base-level assignments in three diverse Major Commands. He then served in the Pentagon as the Chief of Assignment and Joint Policy, and later as Chief of Support Officer Assignments, Air Force Colonel Matters Office--commonly known as the Colonels' Group. He went on to serve as one of five Recorders in the USAF Selection Board Secretariat, responsible for conducting all Air Force promotion and selection boards, and later served as the Executive Officer to the Commander, Headquarters Air Force Personnel Center. After graduating as a Distinguished Graduate from Air Command and Staff College, he served two years as Commander, 51<sup>st</sup> Mission Support Squadron, Osan Air Base, Republic of Korea. Following his command tour he returned to the Pentagon as Chief of Retirement and Separation Policy, Chief of Promotions, Evaluations, and Fitness Policy, and as Chief of the AF/A1 Action Group for the Deputy Chief of Staff for Manpower and Personnel. He earned a Masters in Public Administration from Central Michigan University, Mount Pleasant, Michigan, in 1998, and a Masters in National Security and Strategic Studies, Air University, Maxwell Air Force Base, Alabama, in 2005.



## Introduction

Many Americans today view the issue of allowing homosexuals to serve openly in uniform as a contemporary civil rights issue. Similar to the issues of race and gender more traditionally associated with civil rights, the treatment of homosexuals in the military has been a lingering question, particularly since the 1993 decision by President Clinton to implement the Policy on Homosexual Conduct in the Armed Forces, commonly referred to as “Don’t Ask, Don’t Tell” (DADT). While DADT tacitly acknowledged that homosexual members may serve, homosexual conduct was deemed incompatible with military service and members continued to be discharged based on homosexual conduct or statements acknowledging their homosexuality.<sup>1</sup> As a result, homosexual members felt they were not treated on par with their heterosexual colleagues and considered this a denial of their civil rights and forced them to compromise their integrity.

On December 22, 2010, Congress voted to overturn DADT. In its place, the Department of Defense will now be asked to implement policies that allow members to serve openly and without fear of being discharged because of their homosexual orientation or behavior. Even before Congress acted, however, the DoD saw the political winds blowing and mapped a course that would first more fully understand the issue among military members and then develop a plan to implement such a change. The Comprehensive Review Working Group (CRWG) was charged with reporting on implications associated with repeal of DADT and its final report was delivered to the Secretary of Defense on 30 Nov 2010, complete with detailed survey results, policy recommendations, and a proposed implementation plan.

The task then becomes how to implement the new policies. A change of this magnitude is not without precedent, however. There are distinct parallels between the process of racial

integration in the armed forces in the late 1940s and implementing the repeal of DADT. Some argue that equating sexual orientation with matters of race, gender, and ethnicity is inappropriate, yet it remains that much of the same rationale for continuing racial segregation was part of the current debate that openly serving homosexuals would be detrimental to the armed forces.

This paper will discuss the similarities in process between how the services were racially integrated and how DoD plans to implement the repeal of DADT, thus enhancing applicability between the two issues. Next, we'll consider the differences in the two issues that could limit the applicability of lessons from one to the other. Finally, we'll look at policy considerations and how progress will be, and should be, monitored now that the policy has been overturned.

## **Similarities Between Racial Integration in the Military and Repeal of DADT**

### **The Nature of the Discrimination**

Before racial integration, much of the discriminatory practices centered on concerns from the most senior military leaders about how integration would affect unit morale and cohesiveness, that potential forced association could cause “discord, distrust, discontent, and racial cliques.”<sup>2</sup> Army Chief of Staff, General Marshall, surmised that racial segregation was working and should be continued.<sup>3</sup> Admiral Chester Nimitz stated in 1941 that “Negro officers aboard ships would form a small unassimilable minority which, despite anything we could do, would inevitably form a source of discord that would be harmful to the service.”<sup>4</sup> A survey of white Army enlisted personnel revealed that 68 percent could tolerate partial integration in the work place but did not want to share living quarters or mess halls.<sup>5</sup>

Similarly, those who opposed repealing DADT commonly cited the impact that repeal would have on unit cohesion, combat effectiveness, the ability to recruit and retain quality military members with moral and ethical objections to homosexuality, and logistical issues such

as housing, restroom and showers. There are significant religious and moral concerns that many military members have who do not condone homosexual behavior and worry what it would do to the moral standing of the force. Senator John McCain, like General George Marshall in the 1940s, expressed support for the status quo.<sup>6</sup>

### **Pressure from Civil Rights Groups**

In the immediate aftermath of World War II, there was considerable pressure on President Harry S. Truman from civil rights groups to confront racial segregation head-on and implement changes nationwide, but particularly in the armed forces. In October 1947, the National Association for the Advancement of Colored People presented a 154-page report to the United Nations on the overall treatment of minorities within the United States, essentially stating that the United States cannot lead the world by example while continuing to discriminate against many of its own citizens.<sup>7</sup> In addition, the dominance of the United States in postwar international politics “led to heightened international scrutiny of American race relations and increased American awareness of the role of racial issues in international relations” and threatened to undermine national prestige abroad.<sup>8</sup>

Blacks were growing more politically active following the war and they continued pressuring governments at all levels. Black leaders became increasingly frustrated by the apparent lack of progress amidst myriad post-war reviews of racial policies and began to call for “an immediate end to racial segregation wherever it continued to exist in the armed forces.”<sup>9</sup>

The overall notion of fairness was also at stake. Blacks were being asked to defend freedom that they themselves could not enjoy. Philip Randolph, civil rights icon and long-time president of the Brotherhood of Sleeping Car Porters, summed it up best: “Negroes are sick and tired of being asked to shoulder guns in defense of democracy abroad until they get some at



home,” unwilling to serve in “a Jim Crow army.”<sup>10</sup> Pressure also came from a growing number of liberal white Americans that Truman could not ignore politically.<sup>11</sup>

Like civil rights groups in the 40s, gay rights groups such as the Servicemen’s Legal Defense Network, Human Rights Campaign, and the Palm Center made it known that they considered DADT a denial of fundamental rights. Joe Solmonese, the president of Human Rights Campaign, reiterated that “the only thing that matters on the battlefield is the ability to do the job.”<sup>12</sup> Gay rights advocates say they are not advocating for special status or treatment, just equal treatment, such as health benefits and access to family housing. Most of all, however, they simply want to allow homosexuals to serve without the fear that disclosure of their sexual orientation will result in their dismissal. A homosexual Marine seriously wounded in Iraq, SSgt Eric Alva, stated that “I’m an American who fought for his country and for the protection and the rights and the freedoms of all American citizens—not just some of them, but all of them”<sup>13</sup> Alva’s comment draws echoes of Randolph railing against the “Jim Crow” Army.

### **Electoral Politics**

There was considerable political pressure placed on Truman regarding his decision to embrace civil rights and integration. Truman had taken a bold stand in support of civil rights but drew considerable fire from southern Democrats who led the charge in attempts to deny Truman the Democratic nomination in 1948 if he did not disavow his civil-rights program.<sup>14</sup> Truman had been promising executive action and had a draft executive order ready to sign, however, he decided to postpone the executive order until after the Democratic convention but before the general election so that other facets of his domestic agenda would not stall in Congress.<sup>15</sup> The biggest factor in the timing, however, was that Truman was “buying time, hoping to find a means of addressing southern complaints sufficiently to keep southern politicians loyal to him and to

the Democratic Party.”<sup>16</sup>

As a candidate, Barack Obama often stated his desire to see DADT repealed, clearly appealing to his liberal base in the Democrat Party by supporting a fundamental issue for one of its key constituencies. It paid off; exit polls showed that 70 percent of homosexuals voted for Obama in 2008.<sup>17</sup> Aaron Belkin of the Palm Center felt that “the President should not ask military leaders if they support lifting the ban” for fear it could drive a wedge between the military and the president and Congress. Belkin’s thinking was political—if the military were asked its opinion and did not support repeal, the President and Congress would be forced to decide to either override the wishes of their military leaders or risk the political fallout from the liberal constituencies who were counting on them to fulfill their campaign promise to repeal.<sup>18</sup> Ultimately, Congress succumbed to presidential pressure to repeal.

### **Personal Experience of Working with Offended Party**

During World War II, blacks were allowed to serve in large numbers for the first time since the Civil War.<sup>19</sup> The services had a long-standing institutional policy of segregating blacks into separate units, but the military experimented with limited integrated units and the results were generally positive.<sup>20</sup> What’s more, the overall percentage of blacks in the force spiked immediately after the war.<sup>21</sup> This started a process by which services began to review their racial policies and consider appropriate modifications. Policy makers were conflicted by the dichotomy of apparently successful performance by integrated units balanced against tradition and long-standing prejudice within the military.

The Army conducted internal surveys of its force in May and June of 1945. These studies found that 64 percent of officers and noncommissioned officers were initially skeptical about the idea of integrated units, but that 77 percent of these soldiers said that they had “gained

a more favorable view of the racially mixed companies after serving with them, and none said that their view was less favorable.”<sup>22</sup> Interestingly, the units which had gotten along best were the units which had seen the heaviest combat, the shared experience of battle seeming to bind the soldiers together regardless of race.<sup>23</sup> A second survey done by the Army Research Branch also found that the more experience white soldiers had with black soldiers in integrated units, the more favorable their opinion of these mixed units.<sup>24</sup>

The comprehensive survey of the force regarding DADT, conducted prior to repeal, indicated that current or past direct experience with perceived homosexual members in their immediate unit had a generally positive impact on respondents’ attitudes<sup>25</sup>—a strikingly similar finding to what was discovered during experiments with limited racial integration during World War II. Over 90 percent of those surveyed indicated that their personal experience of serving in a unit with a supposed homosexual member had no negative impact on their unit’s performance.<sup>26</sup> Those with direct experience were also less likely to consider leaving the military sooner than expected if DADT were to be repealed.<sup>27</sup>

### **Public Opinion**

Public opinion polls in 1948 reflected that the public was either largely indifferent to or not supportive of the prospect of racial integration and the potential increased role of the federal government in forcing formal racial equality.<sup>28</sup> A Gallup poll from June 1948 showed that 63 percent of adults favored continuing segregation in the armed forces, while 26 percent supported formal integration.<sup>29</sup> Even with a considerable majority in favor of continuing segregation, overall “public attitudes on the subject of racial policies were undergoing real, if still subtle and limited, movement toward greater tolerance.”<sup>30</sup>

Similarly, homosexual rights are viewed more favorably by a growing segment of the

American population. A July 2008 poll conducted by the *Washington Post* revealed that 75 percent of Americans were in favor of allowing gays to serve openly.<sup>31</sup> Several states have passed legislation to legalize gay marriage or civil unions. Many companies today offer medical and other benefits to same-sex partners. Gays are generally viewed more positively in television, movies, and other media. Interestingly, during the civil rights debates of the 1940s and 1950s the military was seen as breaking new ground by integrating its ranks ahead of what was being done in society. With the current issue, society is viewed as more tolerant in leading the way towards more equal treatment for homosexuals and the military is now being asked to follow society rather than break new ground.

### **Studies and Surveys**

As World War II came to a close, experience of limited integration had forced the services to begin looking seriously at their racial policies. In October 1945, a three-person board under Lt Gen A.C. Gillem was directed to “prepare a policy for the use of authorized Negro manpower potential during the postwar period.”<sup>32</sup> The Gillem Board argued that the Army needed to “make stronger efforts to attract, retain, and promote blacks,” but ultimately remained firm on its commitment to retaining segregation... “[seeking] only to make this separation more tolerable for blacks and more efficient for the Army.”<sup>33</sup> The Gillem plan was intended to pacify both sides of the debate by maintaining institutional integration while attempting to better utilize blacks and integrate certain units where practical—but as might be expected, the plan pacified neither side.<sup>34</sup> Ironically, this was also a common criticism of DADT – a compromise solution that attempted to allow homosexuals to serve, but not openly, and ultimately never fully satisfied either side.

In March 2010, Secretary of Defense Robert Gates commissioned the Comprehensive

Review Working Group (CRWG), “the largest, most comprehensive review of a personnel policy matter which the Department of Defense has ever undertaken.”<sup>35</sup> The survey’s intent was not to see if service members wanted to serve with gays, but to assess attitudes and ensure a smooth transition once repeal happened.<sup>36</sup> Additionally, the RAND Corporation had conducted a comprehensive study in 1993 entitled *Sexual Orientation and U.S. Military Personnel Policy: Options and Assessments*, and RAND was asked to update this study in 2010 to assist the CRWG in considering any changes to DADT.

The CRWG was asked to find the impact that repeal would have on the force.<sup>37</sup> It found that 70 percent of members thought there would be no negative impact on unit performance; 69 percent reported that they had served alongside a member they believed to be homosexual; and 92 percent responded their experience in a unit with a supposed homosexual member had no negative impact on their unit’s performance.<sup>38</sup> Interestingly, female and minority respondents were generally more positive about the prospects of repeal,<sup>39</sup> perhaps owing either to their own struggles with past exclusionary policies or a desire to embrace diversity in as many forms as possible. The Working Group also was “surprised the feedback showed few trends among age groups.”<sup>40</sup> As with racial integration, the Marine Corps seemed most resistant to changes involving homosexuals’ open service. Overall, the CRWG concluded that “a majority of service members perceive that the effect of a repeal of DADT will be neutral,” not overly positive or negative to their units.<sup>41</sup>

RAND’s updated study found that a repeal of DADT would have a relatively small impact on new enlistments.<sup>42</sup> They also found the potential for as much as 10 percent of the force saying they might leave sooner than planned if DADT were repealed.<sup>43</sup> According to RAND’s research, there is little reason to suspect repeal will have any negative impact on unit

performance or the health of the force.<sup>44</sup>

## **Differences between Racial Integration and DADT Repeal**

### **Implementation of the New Policies**

President Truman signed Executive Order 9981 into effect on 26 Jul 1948 to end institutional racial discrimination in the armed forces. The order also established the Fahy Committee charged with devising a plan for implementation and monitoring progress. Each service was required to develop its own implementation plan and timetable which required Fahy Committee approval to ensure compliance with the executive order. There was a strong focus on leadership at all levels to make the changes effective. In fact, the Air Force viewed noncompliance as a failure of command.<sup>45</sup>

The Air Force fully cooperated with the Fahy Committee and announced its plans to integrate in the spring of 1949.<sup>46</sup> The Air Force showed that it could carry out integration relatively painlessly and quickly, which put pressure on the other services to follow suit.<sup>47</sup> The Army had initially resisted any changes. General Omar Bradley said the Army was no place for social experiments. However, the Army eventually agreed to abolish its quota system of not allowing more than 10 percent of a unit's personnel to be black, and the Fahy Committee approved the Army's plan in March 1950.<sup>48</sup> Navy implementation was sporadic; for example, the Steward's Branch continued to be segregated in its recruitment and training.<sup>49</sup> The Navy announced in June 1949 that it would adopt a plan similar to the Air Force's, yet by 1952 they had still done little to integrate the Steward's Branch, which was still 64 percent black. They eventually stood firm and decided to take the inevitable criticism that would come its way rather than fully integrate the Steward's Branch.<sup>50</sup> Among the services, the Marines were the most resistant to change. Commandant of the Marine Corps, Gen Clifton D. Cates, refused to change

Marine policy until after society took steps to integrate first.<sup>51</sup>

On the contrary, while each service developed its own plans and timelines to racially integrate its forces, there will be one DoD-wide implementation plan and timetable now that DADT has been repealed. “A comprehensive and strategic action plan, universal to all five armed services, is required...” regarding training, personnel policies, benefits, etc.<sup>52</sup> Indeed, the CRWG published a recommended implementation plan that accompanied its findings and each service will be charged with implementing policies that fit within this plan.

### **Are Race and Sexual Orientation Similar?**

There is considerable debate about whether racial integration and repeal of DADT are comparable. Prior to racial integration, blacks could not serve “openly” in that they had to serve in segregated units with limited opportunities. In that regard, homosexuals have been allowed to serve, though not openly in terms of public knowledge of their sexual orientation. However, one could argue that there were no barriers to career advancement for homosexuals who adhered to DADT. Homosexuals were not forced to serve in segregated, exclusively homosexual units as blacks were forced to do.

As stated earlier, the DoD was breaking new ground when it came to racial integration and made it possible for other areas of society to be more permissive of integration initiatives. In the case of homosexuals serving openly in the military, DoD is trailing society. The military is not being asked to break new ground or participate in a “social laboratory” as it was in the 1940s; rather, advocates argue the military is simply being asked to be more reflective of greater society in the equal treatment of all citizens.

The CRWG considered race and sexual orientation as “fundamentally different,” while it acknowledges that there are striking similarities between the concerns raised in the 1940s as

those of the current debate.<sup>53</sup> The CRWG also contended there is a religious element to the resistance to homosexual service that generally wasn't present during the debate on racial integration. The Working Group asserted that the magnitude of the change was much greater for racial integration versus the current issue of homosexuals based on sheer volume of military members actually affected by the change.<sup>54</sup> Even military members themselves saw differences between the two issues in the CRWG surveys.<sup>55</sup>

There are various opinions regarding timing of DADT policy changes. The Marine Corps Commandant, General James F. Amos, opposed the change in policy, concerned that "45 percent of Marines who responded viewed the repeal as potentially having a negative effect on unit effectiveness, readiness and cohesion."<sup>56</sup> Air Force Chief of Staff, General Norton Schwartz, advocated repeal but doing so in 2012 so as not to place any "additional discretionary demands on our leadership...at this particularly challenging time."<sup>57</sup> Similarly, the Army Chief of Staff, General George Casey, said the CRWG report caused him to change his mind when seeing the inputs from the field, and while he now supports the repeal he cautions against making policy changes during wartime and placing an additional burden on leadership.<sup>58</sup> However, Vice Chairman of the Joint Chiefs of Staff, General James Cartright, feels wartime is the best time to make a change of this magnitude. "It is hard to foresee a time when the men and women of the U.S. military will be more focused and disciplined than they are today...there is little to suggest that issues...will diminish if we wait on the uncertain promise of a less challenging future."<sup>59</sup>

### **Recommended Policy Considerations and Tracking/Monitoring Progress**

Following the decision to integrate, progress was watched closely. "Of course, there was much more work to do after the official desegregation of the armed forces was complete...an end to segregation did not create equal opportunity [and it] certainly did not end discrimination."<sup>60</sup>



The Fahy Committee was established specifically to monitor the progress of implementation. With the Army being among the most resistant to racial policy changes, the Fahy Committee “warned of the need to subject Army officials to ‘constant vigilance.’”<sup>61</sup> Even as late as the 1960s an overall shortage of black Army officers seemed to be an indication that “opportunities for Afro-American leaders in the armed services were severely constrained.”<sup>62</sup> In fact, in 1968, less than 1 percent of freshman at West Point and only 3 percent of all Army officers were black.<sup>63</sup>

Outside players were also interested in the services’ progress. The *Pittsburgh Courier* was suspicious of military policies so they closely watched how the Air Force implemented its changes, concluding that the progress was fair and the Air Force indeed was serious about making changes.<sup>64</sup> The Air Force also conducted its own intense monitoring and analysis during the first year of implementation. Field commanders were required to submit progress reports taking note of any specific problems and the Air Staff prepared an evaluation after one year.<sup>65</sup> The Navy experienced considerable recruitment and promotion issues, likely skewed by the continuing segregation of the Steward’s Branch.<sup>66</sup> It was obvious that the single act of signing an executive order and approving implementation plans on paper would not be the last word on how effective racial integration would proceed. As we’ll discuss later, even today, over 60 years after racial integration, there are determined efforts to track progress and ensure fair and equitable treatment of black service members.

As was the case with racial integration, DADT repeal advocates will not be content with the singular act of overturning the law. With such a significant change in policy, the DoD is naïve to think that there will not be close scrutiny to ensure that homosexual members are truly being treated fairly and equally. The services can expect Congress, DoD leaders, the media, and

outside advocacy groups will ensure the services' new policies have the desired effects. The CRWG acknowledges this reality by advocating "the tracking and monitoring of the number of re-entry applications submitted by former service members...as another means of evaluating success in *communicating the change to former service members and the public*" (emphasis added).<sup>67</sup> With public opinion so strong in support of repeal, there will be widespread interest to see how the new policies are working. The military relies heavily on the public's trust, so military leaders will have to be ready to answer the tough questions to show that continued trust is warranted.

Within the DoD, race, ethnicity, and gender are expressly prohibited from consideration for promotions, duty assignments, command opportunities, and the like; however, this data is maintained and tracked to ensure services are affording minority members equal opportunity. Each military member is asked to self-identify his or her race and ethnicity, however, when a member is considered for promotion these indicators, along with gender, are not present on the one-page career summary that board members review when evaluating a record of performance. This does not alleviate the service from ensuring equal opportunity, however. Department of Defense Instruction 1320.13 requires each service to submit "annual reporting of race, gender, and ethnic statistics..."<sup>68</sup> A sample report is located at the Appendix. This report is intended to "provide information to the Secretary of Defense about the commissioned officer promotion program...and military service promotion opportunity and timing."<sup>69</sup> According to email correspondence with Mr. Dale Bourque from the Office of Secretary of Defense, Personnel and Readiness Division, there are "no planned promotion changes with regards to appeal of DADT. Everyone should be treated equally; we don't have any plans to label and then track."<sup>70</sup>

An August 2010 White Paper created by the U.S. Naval Academy Dean of Admissions

also advocates against maintaining any sexual preference data. However, the paper goes on to say that “tracking such data could be problematic in and of itself, and if statistics are collected, [we] recommend the information be stored outside of the normal admissions application process in order to minimize the potential influence the information could have on admissions board decisions.”<sup>71</sup> In other words: don’t track sexual preference—but if you do, make sure it is protected and not used to discriminate in board processes. This is similar to how RAND currently performs promotion analysis for the Air Force. According to one of RAND’s chief promotion analysts, Mr. Michael Schiefer, RAND maintains gender, race, and ethnicity data for all military members but removes names and social security numbers to ensure anonymity.<sup>72</sup> RAND is able to perform in-depth promotion analysis to identify trends among these demographic groups and then makes recommendations regarding how personnel policies might impact these groups and better ensure equal development opportunities.

The 2009 National Defense Authorization Act mandated the creation of the Military Leadership Diversity Commission (MLDC). According to the MLDC’s website, it was tasked to “conduct a comprehensive evaluation and assessment of policies that provide opportunities for the promotion and advancement of minority members of the Armed Forces...” and to submit a report to the President and the Congress.<sup>73</sup> The MLDC has been “tasked with assessing promotion opportunities by race, ethnicity, and gender” and looks at variant “promotion outcomes between men and women and between minorities and whites.”<sup>74</sup> Should the MLDC add “...between straight and gay...” to that list? In a recent email from the MLDC’s senior public affairs officer, Ms. Erica Dorosin, the MLDC only views the term “‘minority’ as it applies to gender, race, and ethnicity, nothing beyond,”<sup>75</sup> and there are no plans to consider sexual orientation as a protected group.

While acknowledging the need to monitor progress, the CRWG recommended “against creating a data category for service member sexual orientation,”<sup>76</sup> fearing the ramifications of asking members to declare their sexual orientation for purposes of tracking in service personnel data systems. Could this information be protected and not used inappropriately as a career discriminator? The answer is yes—because it is currently being done for other minority groups. There is also the understandable squeamishness of the prospect of asking all military members to openly declare their sexual orientation so it can be tracked. However, this same issue was adequately dealt with regarding race and ethnicity by including the option of “declined to respond” during the member’s self-identification. A similar option could be offered regarding sexual orientation.

Perhaps the resistance to overtly tracking these personnel program indicators by sexual orientation is that there is no clear case of past discrimination. Since homosexuals have historically not been allowed to serve openly, it would be difficult to prove they have been discriminated against solely because of their orientation, whereas indicators such as race, gender, and ethnicity are more recognizable traits that might have caused discrimination in the past. Either way, once homosexuals begin serving openly, we can reasonably anticipate there will be forms of discrimination. Similar to the aftermath of racial integration, the CRWG acknowledges this point in ensuring that “gay and lesbian service members be treated under the same general principles of military equal opportunity policy that applies to all service members.”<sup>77</sup> The CRWG goes on to say that military equal opportunity programs only pertain to five specified classes: race, color, religion, sex, and national origin and that these identifiers are tracked in service personnel data systems.”<sup>78</sup> Again, based on the MLDC correspondence, there are no plans to add “sexual orientation” to this list of specified classes. However, precedence has been

set. Gay rights advocates successfully fought to add sexual orientation to the list of victim categories such as race, gender, and national origin when President Obama signed into law the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act on 28 October 2009. This was hailed as a huge victory among gay activists.<sup>79</sup> If homosexuals are a “protected class” based solely on their sexual orientation when it comes to hate crimes, would it not stand to reason that gay rights activists will want to ensure that equal protection is also afforded openly serving homosexuals with regard to promotion, command opportunity, selection for in-residence development opportunities, and the like?

## **Conclusion**

At a time when the military is stretched thin fighting two wars, undergoing reviews about the very nature of our force structure, and experiencing an increasingly high operations tempo, it is little wonder why advocates see the manpower advantages of not excluding what some estimate as 10 percent of our national population from military service. This paper attempted to draw direct parallels between past and current efforts in military social change. Some may find this effort distasteful, that somehow equating the plight of homosexuals with the historical struggle for racial equality is inappropriate. However, the parallels are striking for homosexual military members who feel every bit as limited in their perceived career opportunities as blacks once did—and some continue to feel.

The DoD has set a course of action to implement the new law. The plan is comprehensive, thoughtful, and will no doubt succeed given the determination of the military and civilian leadership to make it happen. However, hopefully I have provided some level of insight for areas of further consideration. Given society's, and to some degree the military's, past discriminatory practices in similar situations, once homosexuals are allowed to serve openly

will the military really be postured to ensure equal protection for all service members? How will we know? Will we rely on anecdotal evidence that all is well? Will we be able to prove to those both in uniform and to the public at large that we have truly embraced these sweeping changes? Difficult choices, indeed.





## Appendix

COMMISSIONED OFFICER SELECTION AND PROMOTION STATISTICS - PROMOTIONS BY RACE, GENDER AND ETHNICITY							REPORT CONTROL SYMBOL DD-P&R(A)1621		
1. SERVICE		2. COMPONENT					3. FOR FISCAL YEAR		
<p><b>Note 1.</b> To be completed for each competitive category and grade. Show data for selection boards convened during the fiscal year.</p> <p><b>Note 2.</b> Race, gender and ethnic statistics will be reported by minority categories as specified in DoD Directive 1350.2 or other categories as specified by the Under Secretary of Defense for Personnel and Readiness or the Office of the Under Secretary of Defense for Personnel and Readiness. Race and ethnic categories will be broken out separately.</p>									
S A M P L E									
4. BOARD/COMPETITIVE CATEGORY									
5. RACE	a. FEMALE			b. MALE			c. TOTAL FEMALE AND MALE		
	NO. CON	NO. SEL	% SEL	NO. CON	NO. SEL	% SEL	NO. CON	NO. SEL	% SEL
(1) AMERICAN INDIAN/ALASKA NATIVE									
(2) ASIAN									
(3) BLACK OR AFRICAN AMERICAN									
(4) NATIVE HAWAIIAN/OTHER PACIFIC ISLANDER									
(5) WHITE									
(6) MULTIPLE RACE CODES									
(7) TOTAL									
6. ETHNICITY	a. FEMALE			b. MALE			c. TOTAL FEMALE AND MALE		
	NO. CON	NO. SEL	% SEL	NO. CON	NO. SEL	% SEL	NO. CON	NO. SEL	% SEL
(1) HISPANIC/LATINO									
(2) NOT HISPANIC/LATINO									
(3) TOTAL									
7. BOARD/COMPETITIVE CATEGORY									
8. RACE	a. FEMALE			b. MALE			c. TOTAL FEMALE AND MALE		
	NO. CON	NO. SEL	% SEL	NO. CON	NO. SEL	% SEL	NO. CON	NO. SEL	% SEL
(1) AMERICAN INDIAN/ALASKA NATIVE									
(2) ASIAN									
(3) BLACK OR AFRICAN AMERICAN									
(4) NATIVE HAWAIIAN/OTHER PACIFIC ISLANDER									
(5) WHITE									
(6) MULTIPLE RACE CODES									
(8) TOTAL									
9. ETHNICITY	a. FEMALE			b. MALE			c. TOTAL FEMALE AND MALE		
	NO. CON	NO. SEL	% SEL	NO. CON	NO. SEL	% SEL	NO. CON	NO. SEL	% SEL
(1) HISPANIC/LATINO									
(2) NOT HISPANIC/LATINO									
(3) TOTAL									



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## End Notes

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<sup>1</sup> Aspin, L. (July 19, 1993). *Policy on Homosexual Conduct in the Armed Forces*. Office of the Secretary of Defense.

<sup>2</sup> Mershon and Schlossman, 176.

<sup>3</sup> DoD Comprehensive Review Working Group. (November 30, 2010). *Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell"*, 82.

<sup>4</sup> DoD Comprehensive Review Working Group. (November 30, 2010). *Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell"*, 81.

<sup>5</sup> Mershon and Schlossman, 178.

<sup>6</sup> McCain was quoted as saying, "The system is working...The military is at its highest point in recruitment, in retention, in professionalism, in capability. So to somehow allege that his policy has been damaging the military is simply false." Quoted in Hornick, E. (2 December 2010). *Don't Ask, Don't Tell: The Reality of Appeal*, <http://www.cnn.com/2010/politics/12/02/dadt.future.questions/index.html?hpt=T2>, (accessed 11 December 2010).

<sup>7</sup> "America's allies in the U.N. were beginning to hit hard on race, as were cold war propagandists. 'The top dog in a world which is over half colored ought to clean his own house,' Truman said in his characteristic Missouri way." Quoted in Buckley, G. (2001). *American Patriots: The Story of Blacks in the Military from the Revolution to Desert Storm*, 338.

<sup>8</sup> Mershon and Schlossman, 172-173

<sup>9</sup> Ibid, 170.

<sup>10</sup> Lindenmeyer, O. (1970). *Black & Brave: The Black Soldier in America*, 102.

<sup>11</sup> Mershon and Schlossman, 171.

<sup>12</sup> Anonymous. (2010, December 15). [http://news.yahoo.com/s/ap/us\\_gays\\_in\\_military##](http://news.yahoo.com/s/ap/us_gays_in_military##) (accessed 15 December 2010).

<sup>13</sup> "Gay Veteran Calls for End of 'Don't Ask, Don't Tell,'" CNN, 1 March 2007, <http://www.cnn.com/2007/POLITICS/02/28/gays.military/index.html>, cited by Schultz (2010). *The Sky Won't Fall: Policy Recommendations for Allowing Homosexuals to Serve Openly in the U.S. Military*. In J. E. Parco, & D. A. Levy (Eds.), *Attitudes Aren't Free: Thinking Deeply about Diversity in the U.S. Armed Forces*, 191.

<sup>14</sup> Mershon and Schlossman, 179.

<sup>15</sup> Ibid, 180.

<sup>16</sup> Ibid, 180.

<sup>17</sup> CNN. (n.d.). *Election Center 2008 Exit Polls*. <http://www.cnn.com/ELECTION/2008/results/polls/#val=USP00p3> (accessed 25 January 2011).

<sup>18</sup> Belkin, A., Frank, N., Herek, G. M., Hillman, E. L., Mazur, D. H., & Wilson, B. J. (2010). How to End "Don't Ask, Don't Tell": A Roadmap of Political, Legal, Regulatory, and Organizational Steps of Equal Treatment. In J. E. Parco, & D. A. Levy (Eds.), *Attitudes Aren't Free: Thinking Deeply about Diversity in the U.S. Armed Forces*, 200-201.

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<sup>19</sup> Donaldson, G. (1991). *The History of African-Americans in the Military*, 131.

<sup>20</sup> “Integrated units, used by Eisenhower when no others were available, forced the issue and made it clear to officials in the War Department that the two races could do a better job fighting side by side than separated.” Quoted in Donaldson, 131.

<sup>21</sup> “Rapid demobilization of white soldiers, coupled with the high reenlistment rate of blacks, caused the percentage of blacks in the regular Army to increase to 16 percent in 1946,” with estimates that it might soon go as high as 24 percent.” Quoted in Mershon, S., & Schlossman, S. (1998). *Foxholes & Color Lines: Desegregating the U.S. Armed Forces*, 150.

<sup>22</sup> Ibid, 141.

<sup>23</sup> Ibid, 142.

<sup>24</sup> Ibid, 142.

<sup>25</sup> Westat. (November 2010). *Support to the DoD Comprehensive Review Working Group Analyzing the Impact of Repealing "Don't Ask, Don't Tell" - Volume 1: Findings From the Surveys*, 2.

<sup>26</sup> DoD Comprehensive Review Working Group. (30 November 2010). *Support Plan for Implementation: Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell"*, 63.

<sup>27</sup> Westat. (November 2010). *Support to the DoD Comprehensive Review Working Group Analyzing the Impact of Repealing "Don't Ask, Don't Tell" - Volume 1: Findings From the Surveys*, 6.

<sup>28</sup> Mershon and Schlossman, 177.

<sup>29</sup> Ibid, 177.

<sup>30</sup> Ibid, 186.

<sup>31</sup> Kyle Dropp and John Cohen, “Acceptance of Gay People in Military Grows Dramatically,” *Washington Post*, 19 July 2008, A03, cited by Schultz (2010). *The Sky Won't Fall: Policy Recommendations for Allowing Homosexuals to Serve Openly in the U.S. Military*. In J. E. Parco, & D. A. Levy (Eds.), *Attitudes Aren't Free: Thinking Deeply about Diversity in the U.S. Armed Forces*, 185.

<sup>32</sup> Office of the Deputy Assistant Secretary of Defense for Equal Opportunity and Safety Policy. (1985). *Black Americans in Defense of Our Nation*, 40.

<sup>33</sup> Mershon and Schlossman, 146-148.

<sup>34</sup> Donaldson, 134.

<sup>35</sup> Transcript of DoD News Briefing with General Counsel Johnson and General Ham, 30 November 2010.

<sup>36</sup> Air Force Times editorial, “‘Don't Ask' Confusion,” 1 November 2010, 6.

<sup>37</sup> The CRWG focused on three main questions: (1) Members were asked how having a service member in their unit who said he or she was gay would affect the unit's ability to work together to get the job done; (2) Members were asked if they had ever served during their career with a member who they believed to be homosexual; and (3) Members were asked their opinion of the ability of the unit to work together based on actual experience of a member in the unit they believed to be homosexual; DoD Comprehensive Review Working Group. (30 November 2010). *Support Plan for Implementation: Report of the Comprehensive Review of the Issues Associated*



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with a Repeal of "Don't Ask, Don't Tell", 63.

<sup>38</sup> DoD Comprehensive Review Working Group. (30 November 2010). *Support Plan for Implementation: Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell"*, 63.

<sup>39</sup> Westat. (November 2010). *Support to the DoD Comprehensive Review Working Group Analyzing the Impact of Repealing "Don't Ask, Don't Tell" - Volume 1: Findings From the Surveys*, 3.

<sup>40</sup> Daniel, L. (30 November 2010). *Leaders Can Pave Way for Openly Gay Troops, General Says*. <http://www.defense.gov/news/newsarticle.aspx?id=61892>, (accessed 30 November, 2010).

<sup>41</sup> Westat. (November 2010). *Support to the DoD Comprehensive Review Working Group Analyzing the Impact of Repealing "Don't Ask, Don't Tell" - Volume 1: Findings From the Surveys*, 1.

<sup>42</sup> RAND Corporation. (2010). *Sexual Orientation and U.S. Military Personnel Policy: An Update of RAND's 1993 Study*, xxii.

<sup>43</sup> Ibid, xxii.

<sup>44</sup> Ibid, xxiii.

<sup>45</sup> Mershon and Schlossman, 195.

<sup>46</sup> Donaldson, 138.

<sup>47</sup> Ibid, 138.

<sup>48</sup> Buckley, G. (2001). *American Patriots: The Story of Blacks in the Military from the Revolution to Desert Storm*, 341.

<sup>49</sup> Mershon and Schlossman, 140.

<sup>50</sup> Donaldson, 139.

<sup>51</sup> Cates said, "The problem of segregation is not the responsibility of the Armed Forces but is a problem of the nation. Changing national policy in this respect through the armed forces is a dangerous path to pursue...should the time arise that non-segregation...is accepted as a custom of the nation, this policy can be adopted without detriment by the national military establishment." Quoted in Astor, G. (1998). *The Right to Fight: A History of African Americans in the Military*, 323.

<sup>52</sup> Cashdollar, M. P. (2009). *Not Yes or No, But What If : An Examination of Policies and Issues to be Addressed with Open Homosexuality in the US Military*. Maxwell AFB, AL: Air Command and Staff College, 172.

<sup>53</sup> DoD Comprehensive Review Working Group. (November 30, 2010). *Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell"*, 84.

<sup>54</sup> Ibid, 85.

<sup>55</sup> One officer respondent stated, "homosexuality is a choice; you cannot choose your race." An enlisted member expressed similar thoughts: "A lot of people try to compare [homosexuality] to race and gender. They are miles apart. You have no choice...this is a whole different concept, a sexual preference, and a behavior." Quoted in Westat. (November 2010). *Support to the DoD Comprehensive Review Working Group Analyzing the Impact of Repealing "Don't Ask, Don't Tell" - Volume 2: Findings from the Qualitative Research Task*, 59.

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<sup>56</sup> Pellerin, C. (3 December 2010). *Amos Recommends Deferring Repeal of "Don't Ask" Law*. <http://www.defense.gov/news/newsarticle.aspx?id=61945>, (accessed December 3, 2010).

<sup>57</sup> Flaherty, A. (3 December 2010). *Army, Marine Chiefs Cast Doubt on Gay Service*. <http://apnews.myway.com/article/20101203/D9JSD7TO0.html>, (accessed 11 December 2010).

<sup>58</sup> Lopez, C. T. (3 December 2010). *Casey: "Don't Ask, Don't Tell" Repeal OK, But Not Now*. <http://www.defense.gov/news/newsarticle.aspx?id=6195>, (accessed 3 December 2010).

<sup>59</sup> Parrish, K. (3 December 2010). *Joint Chiefs Vice Chairman Recommends "Don't Ask" Repeal*. <http://www.defense.gov/news/newsarticle.aspx?id=61938>, (accessed 3 December 2010).

<sup>60</sup> Donaldson, 139.

<sup>61</sup> Mershon and Schlossman, 214.

<sup>62</sup> Butler, J. S., & Moskos, C. C. (1996). *All That We Can Be: Black Leadership and Racial Integration the Army Way*, 31-32.

<sup>63</sup> Ibid, 33.

<sup>64</sup> Mershon and Schlossman, 197.

<sup>65</sup> Ibid, 197.

<sup>66</sup> Ibid, 200.

<sup>67</sup> DoD Comprehensive Review Working Group. (30 November 2010). *Support Plan for Implementation: Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell"*, 42.

<sup>68</sup> Under Secretary of Defense for Personnel & Readiness. (2009, July 22). Department of Defense Instruction 1320.13. *Commissioned Officer Promotion*, 1.

<sup>69</sup> Ibid, 2.

<sup>70</sup> Bourque, D. (2010, December 13). Email Correspondence: DADT Repeal and Promotions.

<sup>71</sup> U.S. Naval Academy. (August 2010). White Paper: Interdisciplinary Perspectives Informing Adaption to the Repeal of Don't Ask, Don't Tell, 19.

<sup>72</sup> Schiefer, M. (2010, October 21). Email Correspondence: Race on OSB. San Antonio TX.

<sup>73</sup> Military Leadership Diversity Commission. (n.d.). *Recent Enlisted Promotion Rates by Race, Ethnicity, and Gender*. mlde.whs.mil: <http://mlde.whs.mil/>, (accessed 11 December 2010).

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> DoD Comprehensive Review Working Group. (November 30, 2010). *Report of the Comprehensive Review of the Issues Associated with a Repeal of "Don't Ask, Don't Tell"*, 138.

<sup>77</sup> Ibid, 136.

<sup>78</sup> Ibid, 137.

<sup>79</sup> Human Rights Campaign. (2010, June 28). *HRC.org*. <http://www.hrc.org/5660.htm> (accessed 25 January 2011).